

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ASHLEY LYNN CONTRERAS,

Defendant.

*
*
*
*
*
*
*
*
*

CR. 09-40086

REPORT AND RECOMMENDATION
ON DEFENDANT'S CHANGE
OF PLEA

This matter came before the court for a change of plea hearing on Monday, November 23, 2009. The Defendant, Ashley Lynn Contreras, appeared in person and by her counsel, Assistant Federal Public Defender Tim Langley, while the United States appeared by its Assistant United States Attorney, Jeff Clapper.

The defendant consented in open court to the change of plea before a United States magistrate judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, the parties waived their right to object to the report and recommendation.

Defendant has petitioned the court to plead guilty to the Indictment which charges her with Bank Fraud in violation of 18 U.S.C. § 1344. At the hearing, the defendant was advised of the nature of the charges to which the defendant would plead guilty and the maximum penalties applicable, specifically: 30 years imprisonment; a \$1 million fine; or both; 5 years supervised release; 3 additional years imprisonment if supervised release is revoked; a \$100 special assessment; and restitution.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that her plea of guilty to the Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. The defendant's guilty plea to the Indictment is accepted. It is my report and recommendation that the defendant be adjudged guilty of that offense.

Dated this 23rd day of November, 2009.

BY THE COURT:

s/John E. Simko

John E. Simko
United States Magistrate Judge